

23-09-0608-CVA  
CAUSE NO. \_\_\_\_\_

MULHOLLAND ENERGY SERVICES, LLC	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
v.	§	____ JUDICIAL DISTRICT
	§	
KLAUS, INC.	§	
Defendant.	§	ATASCOSA COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION**

**I. DISCOVERY CONTROL PLAN**

1.1 This is a track one case. Plaintiff seeks monetary relief in the amount of \$250,000.00 or less including damages of any kind, pre-judgment interest, and attorney fees. This is an expedited action.

**II. PARTIES**

- 2.1 Plaintiff is Mulholland Energy Services, LLC ("Plaintiff"), a Texas limited liability company, whose address is 10308 WCR 72, Midland, TX 79707.
- 2.2 Defendant, Klaus, Inc., an Oklahoma Corporation, may be served with process by and through its registered agent, Kelly D. Klaus, at 7403 E Eseco Road, Cushing, OK 74023
- 2.3 Jurisdiction is proper because Plaintiff seeks monetary damages that are within the jurisdictional limits of this Court.
- 2.4 Venue is appropriate in this Court because all or part of the goods purchased or services rendered were performed in Pleasanton, Texas within Atascosa County.

**III. FACTS**

3.1 In the ordinary course of business Plaintiff sold to Defendant one or more items

ORIGINAL PETITION

Filed 9/28/2023 3:36 PM  
Margaret E. Littleton  
District Clerk  
Atascosa County, Texas  
Reviewed By: Ashley Reynolds

EXHIBIT 4

of goods, wares, merchandise, or services, as described, and shown on the invoices attached hereto as Exhibit "A" and incorporated by reference herein.

- 3.2 This account represents a transaction or series of transactions for which a systematic record has been kept.
- 3.3 The prices charged for each item were just and true because they were either (a) according to the terms of a written contract; or (b) the usual, customary, and reasonable prices for each item.
- 3.4 The account remains unpaid. The principal balance due to Plaintiff on the account is \$89,097.36, exclusive of interest, after all just and lawful offsets, payments, and credits have been allowed.
- 3.5 This is a suit on a sworn account brought pursuant to Rule 185 of the Texas Rules of Civil Procedure. See Ex. B.
- 3.6 All conditions precedent to Plaintiff's claim for relief have been performed or have occurred.

#### **IV. ATTORNEY FEES**

- 4.1 The failure and refusal of Defendant to pay its lawful debts has made it necessary for Plaintiff employ the undersigned attorney to file suit. This claim was timely presented to Defendant remains unpaid. Reasonable fees for the attorney's services rendered and to be rendered through trial and appeal are at least \$26,729.20. Plaintiff's entitlement to attorney fees is pursuant to Tex. Civ. Prac. & Rem. Code § 38.001(7).

#### **V. PRAYER**

ORIGINAL PETITION

- 5.1 Plaintiff prays that Defendant be cited to appear and answer and that;
- a. Plaintiff be granted judgment against Defendant for actual damages in the amount of \$89,097.36;
  - b. Plaintiff be granted judgment for prejudgment and post-judgment interest at the highest rate permitted by law or contract;
  - c. Plaintiff be granted judgment for its reasonable attorney's fees in the amount of at least \$26,729.20 with additional contingent amounts in the event of appellate proceedings;
  - d. Plaintiff be granted judgment for all costs of court; and
  - e. Plaintiff be granted all such further relief, in law and in equity, to which he may show himself to be justly entitled.

Respectfully submitted,

**Magana & Van Dyke, PLLC**

/s/ Jason Lee Van Dyke

Jason Lee Van Dyke

Bar No. 24057426

1417 E. McKinney St., #110

Denton, TX 76209

P - (940) 382-1976

F - (469) 453-3031

Email: jason@marsalalawgroup.com

# **Exhibit**

**“A”**



10308 WCR 72  
Midland, TX 79707

# Invoice

Date	Invoice #
4/2/2022	20220405041

<b>Bill To</b>
Klaus, Inc. P.O. 1193 Drumwright, OK 74030

<b>Location</b>
Pleasanton, TX

<b>AFE #</b>		<b>*Rig/Location*</b>	<b>Job Description</b> PROVIDE HYDROVAC TO SPOT UNDERGROUND LINES & UTILITIES
		CUSHING TERMINAL	
<b>P.O. No.</b>	<b>Co. Man</b>	<b>Drilling Rig</b>	
Manifold 206	Shane Hallman		

Description	Date	Ticket #	Manifest #	Truck #	Disposal Loc.	UOM	Qty	Rate	Amount
Hydro Vac Truck Bid	2022-03-30	17285		155		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-03-31	17286		155		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-04-01	17287		155		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-04-02	17351		155		Day	1	2,400.00	2,400.00

**TOTAL AMOUNT DUE WITHIN 30 DAYS OF THE INVOICE DATE.**

Over due invoices are subject to a late payment charge of 1.5% per month on any unpaid balances. Customer shall be responsible for any and all reasonable attorney fees associated with the collection of unpaid balances.

**MAKE ALL CHECKS PAYABLE TO MULHOLLAND ENERGY SERVICES.**

**Subtotal** \$9,600.00

**Sales Tax (6.75%)** \$0.00

**Total** \$9,600.00

**Payments/Credits** \$0.00

**Balance Due** \$9,600.00

501



10308 WCR 72  
Midland, TX 79707

# Invoice

Date	Invoice #
4/9/2022	20220412053

<b>Bill To</b>
Klaus, Inc. P.O. 1193 Drumwright, OK 74030

<b>Location</b>
Pleasanton, TX

AFE #		*Rig/Location*	Job Description
Na Na		CUSHING TERMINAL	PROVIDE HYDROVAC TO SPOT UNDERGROUND LINES & UTILITIES
P.O. No.	Co. Man	Drilling Rig	
NA	Shane Hallman	Na	

Description	Date	Ticket #	Manifest #	Truck #	Disposal Loc.	UOM	Qty	Rate	Amount
Hydro Vac Truck Bid	2022-04-04	17677	Na	155		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-04-05	17678	A	155		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-04-06	17946	Na	155		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-04-07	17947	Na	155		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-04-08	17895		141		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-04-08	17896		141		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-04-08	17949	Na	Na		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-04-09	17951	Na	155		Day	1	2,400.00	2,400.00

TOTAL AMOUNT DUE WITHIN 30 DAYS OF THE INVOICE DATE.

Over due invoices are subject to a late payment charge of 1.5% per month on any unpaid balances. Customer shall be responsible for any and all reasonable attorney fees associated with the collection of unpaid balances.

MAKE ALL CHECKS PAYABLE TO MULHOLLAND ENERGY SERVICES.

<b>Subtotal</b>	\$19,200.00
<b>Sales Tax (6.75%)</b>	\$0.00
<b>Total</b>	\$19,200.00
<b>Payments/Credits</b>	\$0.00
<b>Balance Due</b>	\$19,200.00

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10308 WCR 72  
Midland, TX 79707

# Invoice

Date	Invoice #
4/12/2022	20220419018

Bill To
Klaus, Inc. P.O. 1193 Drumwright, OK 74030

Location
Pleasanton, TX

AFE #		*Rig/Location*	Job Description
		CUSHING TERMINAL	PROVIDE HYDROVAC TO SPOT UNDERGROUND LINES & UTILITIES
P.O. No.	Co. Man	Drilling Rig	
Manifold 206	Shane Hallman		

Description	Date	Ticket #	Manifest #	Truck #	Disposal Loc...	UOM	Qty	Rate	Amount
Hydro Vac	2022-04-11	17953		155		Day	1	2,400.00	2,400.00
Truck Bid									
Mob/Demob	2022-04-12	18577		155		Day	1	2,400.00	2,400.00
Per Diem	2022-04-12	18577		155		Day	1	250.00	250.00

**TOTAL AMOUNT DUE WITHIN 30 DAYS OF THE INVOICE DATE.**

Over due invoices are subject to a late payment charge of 1.5% per month on any unpaid balances. Customer shall be responsible for any and all reasonable attorney fees associated with the collection of unpaid balances.

**MAKE ALL CHECKS PAYABLE TO MULHOLLAND ENERGY SERVICES.**

<b>Subtotal</b>	\$5,050.00
<b>Sales Tax (6.75%)</b>	\$0.00
<b>Total</b>	\$5,050.00
<b>Payments/Credits</b>	\$0.00
<b>Balance Due</b>	\$5,050.00

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10308 WCR 72  
Midland, TX 79707

# Invoice

Date	Invoice #
4/30/2022	20220503042

<b>Bill To</b>
Klaus, Inc. P.O. 1193 Drumwright, OK 74030

<b>Location</b>

AFE #		*Rig/Location*	Job Description
		CUSHING TERMINAL	provide hydrovac to spot underground line and utilities
P.O. No.	Co. Man	Drilling Rig	
	Shane Hallman		

Description	Date	Ticket #	Manifest #	Truck #	Disposal Loc...	UOM	Qty	Rate	Amount
Hydro Vac Truck Bid	2022-04-27	20029		165		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-04-28	19953		Na 165		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-04-29	19954		Na 155		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-04-30	19955		Na 155		Day	1	2,400.00	2,400.00

**TOTAL AMOUNT DUE WITHIN 30 DAYS OF THE INVOICE DATE.**

Over due invoices are subject to a late payment charge of 1.5% per month on any unpaid balances. Customer shall be responsible for any and all reasonable attorney fees associated with the collection of unpaid balances.

**MAKE ALL CHECKS PAYABLE TO MULHOLLAND ENERGY SERVICES.**

<b>Subtotal</b>	\$9,600.00
<b>Sales Tax (6.75%)</b>	\$0.00
<b>Total</b>	\$9,600.00
<b>Payments/Credits</b>	\$0.00
<b>Balance Due</b>	\$9,600.00

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10308 WCR 72  
Midland, TX 79707

# Invoice

Date	Invoice #
5/5/2022	20220509082

Bill To
Klaus, Inc. P.O. 1193 Drumwright, OK 74030

Location
Pleasanton, TX

AFE #		*Rig/Location*	Job Description
		CUSHING TERMINAL	PROVIDE HYDROVAC TO SPOT UNDERGROUND LINES & UTILITIES
P.O. No.	Co. Man	Drilling Rig	
Manifold 206	Shane Hallman		

Description	Date	Ticket #	Manifest #	Truck #	Disposal Loc...	UOM	Qty	Rate	Amount
Hydro Vac Truck Bid	2022-05-02	20805		165		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-05-03	20554		165		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-05-04	20558	Na	165		Day	1	2,400.00	2,400.00
Hydro Vac Truck Bid	2022-05-05	20567	Na	155		Day	1	2,400.00	2,400.00

TOTAL AMOUNT DUE WITHIN 30 DAYS OF THE INVOICE DATE. Over due invoices are subject to a late payment charge of 1.5% per month on any unpaid balances. Customer shall be responsible for any and all reasonable attorney fees associated with the collection of unpaid balances. MAKE ALL CHECKS PAYABLE TO MULHOLLAND ENERGY SERVICES.					<b>Subtotal</b>	\$9,600.00
					<b>Sales Tax (6.75%)</b>	\$0.00
					<b>Total</b>	\$9,600.00
					<b>Payments/Credits</b>	\$0.00
					<b>Balance Due</b>	\$9,600.00

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10308 WCR 72  
Midland, TX 79707  
(432)695-4111

# Invoice

Date	Invoice #
5/9/2022	223831

## Bill To

Klaus, Inc.  
P.O. 1193  
Drumwright, OK 74030

			Job Description	
P.O. Number	*Rig/Location*	POTHOLING -TRENCHING		
manifold206	Enbridge -M206/M223 cushioning ok			
DATE	DESCRIPTION	QUANTITY	RATE	AMOUNT
5/9/2022	Hydro Vac Truck 166 H24051	1	2,400.00	2,400.00
5/10/2022	Hydro Vac Truck 166 H24052	1	2,400.00	2,400.00
5/11/2022	Hydro Vac Truck 166 H24053	1	2,400.00	2,400.00
5/12/2022	Hydro Vac Truck 166 H24054	1	2,400.00	2,400.00
TOTAL AMOUNT DUE WITHIN 30 DAYS OF THE INVOICE DATE.				
Over due invoices are subject to a late payment charge of 1.5% per month on any unpaid balances. Customer shall be responsible for any and all reasonable attorney fees associated with the collection of unpaid balances.				
MAKE ALL CHECKS PAYABLE TO MULHOLLAND ENERGY SERVICES.				

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10308 WCR 72  
Midland, TX 79707  
(432)695-4111

# Invoice

Date	Invoice #
5/21/2022	2204080

## Bill To

Klaus, Inc.  
P.O. 1193  
Drumwright, OK 74030

			Job Description	
P.O. Number	*Rig/Location*		POTHOLING AND TRENCHING	
Manifold 206	ENBRIDGE -M206-M223-CUSHING, O			
DATE	DESCRIPTION	QUANTITY	RATE	AMOUNT
5/16/2022	Hydro Vac Truck 166 H24055-	1	2,400.00	2,400.00
5/17/2022	Hydro Vac Truck 166 H24056-	1	2,400.00	2,400.00
5/18/2022	Hydro Vac Truck 166 H24057	1	2,400.00	2,400.00
5/19/2022	Hydro Vac Truck 166 H24058	1	2,400.00	2,400.00
5/20/2022	Hydro Vac Truck 166 H24059	1	2,400.00	2,400.00
5/21/2022	Hydro Vac Truck 166 H24060	1	2,400.00	2,400.00

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10308 WCR 72  
Midland, TX 79707  
(432)695-4111

# Invoice

Date	Invoice #
5/26/2022	224500

## Bill To

Klaus, Inc.  
P.O. 1193  
Drumwright, OK 74030

			Job Description	
P.O. Number	*Rig/Location*		POTHOLING/TRENCHING	
	Enbridge M206-M223-Cushing, OK			
DATE	DESCRIPTION	QUANTITY	RATE	AMOUNT
5/23/2022	Hydro Vac Truck 166 H24061	1	2,400.00	2,400.00
5/24/2022	Hydro Vac Truck 166 H24062	1	2,400.00	2,400.00
5/26/2022	Hydro Vac Truck 166 H24063	1	2,400.00	2,400.00
<b>TOTAL AMOUNT DUE WITHIN 30 DAYS OF THE INVOICE DATE.</b> Over due invoices are subject to a late payment charge of 1.5% per month on any unpaid balances. Customer shall be responsible for any and all reasonable attorney fees associated with the collection of unpaid balances. <b>MAKE ALL CHECKS PAYABLE TO MULHOLLAND ENERGY SERVICES.</b>			<b>Total</b>	<b>\$7,200.00</b>

501



10308 WCR 72  
Midland, TX 79707  
(432)695-4111

# Invoice

Date	Invoice #
6/8/2022	225223

Bill To

Klaus, Inc.  
P.O. 1193  
Drumwright, OK 74030

			Job Description	
P.O. Number	*Rig/Location*		Potholing- Trench	
	Enbridge -M206/M223 Cushing OK			
DATE	DESCRIPTION	QUANTITY	RATE	AMOUNT
6/7/2022	Hydro Vac Truck 166 -H24072	1	2,400.00	2,400.00
6/8/2022	Hydro Vac Truck 166 -H24073	1	2,400.00	2,400.00
6/8/2022	Fresh Water Fee-HYDRO	30	1.50	45.00T
	Logan County Oklahoma Sales Tax		5.25%	2.36
				</

501

# **Exhibit**

**“B”**



**UNSWORN DECLARATION FOR SUIT ON A SWORN ACCOUNT**

1. My name is Stacey Parker.
2. I am the Office & Collections Mgr of Mulholland Energy Services ("Plaintiff") and I have care, custody and control of all records concerning the account of Klaus, Inc ("Defendant" or "Defendants").
3. These records show that, as of June 8, 2022 the total principal balance of \$ 89,097.36 (USD), exclusive of interest, is due and payable by Defendant to Plaintiff and demand for payment was made more than 30 days ago.
4. I hereby aver that the claim attached to Plaintiff's Original Petition is within my personal knowledge, is just and true, is due by Defendant to Plaintiff, and that all just and lawful offsets, payments, and credits to this account have been allowed..

My name is Stacey Parker, my date of birth is 8/22/66, and my address is 10308 WCE 72, Midland, TX 79707 in Midland County/Parish, State of Texas, U.S.A.. I declare under penalty of perjury that I have read this unsworn declaration, that its contents are within my personal knowledge, and that it is true and correct.

Executed in Midland County/Parish, State of Texas, U.S.A. on August 14, 2023.

/s/ Stacey Parker  
Declarant

UNSWORN DECLARATION